

REMARKS

Claims 1, 14, 20, and 26-31 are currently pending in the present application, with Claims 1, 14, 20, 26, and 29-31 being amended, and claims 32 and 33 being added.

Applicants acknowledge the renumbering of previously presented Claims 31-36 into Claims 26-31.

The Examiner rejected Claims 1, 14, 20, and 26-31 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended the claims to further clarify the claimed invention and respectfully submit that the amended claims comply with 35 U.S.C. § 112.

The Examiner rejected Claims 1, 14, 20, and 26-31 under 35 U.S.C. § 102(e) as being anticipated by Weinstock et al. (U.S. Patent No. 6,166,314). This rejection is respectfully traversed with respect to the amended claims.

The present invention is directed to a method for editing performance data, such as musical performance data, using a computer system having a display such as a PC system. More specifically, as shown in Figure 2 of the present application, a plurality of notational layers can be displayed in a parallel fashion wherein each of the displayed layer is available for attaching to execution icons, such as a tempo-related or accent-related execution icon. One novel feature of the present invention is the ability to control whether to display or not to display a specific layer, so as to limit the display screen to the display of layers actually used by the user. More importantly, the user can attach execution icons to each of the displayed layer so as to graphically denote execution data being appended to the performance data.

Weinstock does not contain any disclosure or suggestion controlling the display of layers on a display wherein a user can attach execution icons to each displayed layer. Rather, Weinstock is directed to a real-time tracking of software processing of musical performance data. Although Figure 6 of Weinstock illustrates a matrix of GUIs for displaying predetermined elements corresponding to the content of the performance data, Weinstock does not show or

suggest the ability to attach execution icons to a displayed layer (as recited in all of the independent claims). Accordingly, Applicants respectfully submit that Claims 1, 14, 20, and 26-31 are not anticipated by, nor obvious in view of, Weinstock.

In view of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. An early allowance is solicited. If the Examiner believes it would further advance the prosecution of the present application, he is respectfully requested to contact the undersigned attorney.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032019700.

Respectfully submitted,

Dated: October 30, 2003

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